

UNITED STATES OF AMERICA
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 3:19-cr-00033-01
	*
VERSUS	*
	*
CHRISTOPHER JOE STAMPER	* DISTRICT JUDGE DOUGHTY
	* MAGISTRATE JUDGE HAYES

**UNITED STATES' RESPONSE TO
PRO SE MOTION FOR DISCOVERY**

NOW INTO COURT, through the United States Attorney and undersigned Assistant United States Attorney, comes the United States of America, which responds to the pro se "Motion for Discovery" as follows:

PROCEDURAL HISTORY

On January 23, 2019, Defendant was charged by Indictment with two counts of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), and one count of Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A). Rec. Doc. 24.

Two days later, the defense filed a Motion for Psychiatric Examination requesting Defendant be evaluated for both competency and sanity. Rec. Doc. 15. Defendant was evaluated by the Bureau of Prisons from February 15, 2019 through April 1, 2019, at the conclusion of which he was found competent and sane.

The defense sought a second expert opinion on the issue. On September 16, 2019, and after review of his expert's report, the defense filed a "Withdrawal of Motion to Determine Competency and Stipulation of Competency by Defendant." Rec. Doc. 42.

Defendant signed the filing and stipulated that “he is competent to proceed in this matter.”

On October 23, 2019, Defendant was charged by Superseding Indictment with two counts of Possession of Child Pornography, one count of Receipt of Child Pornography, and one count of Coercion and Enticement. Rec. Doc. 152.

On December 3, 2019, Defendant pled guilty to Receipt of Child Pornography. Rec. Doc. 61. In exchange for his guilty plea, the Government agreed to dismiss at sentencing the remaining three counts in the Superseding Indictment. Rec. Doc. 181.

On February 14, 2020, Defendant filed a pro se “Motion For Discovery.” Rec. Doc. 230. He seeks to obtain “statements,” “written statements,” “oral statements,” “records and reports,” and “handwritten or transcribed notes of the investigating officer.” claims that “further information has been developed that will assist [him] in his defense.” Defendant also seeks answers to the following questions: “Upon what statute or statutes is this prosecution based?” “Does the United States and or State of Louisiana allege and intend to prove any physical and or sexual act or acts on part of the defendant as being the crime or part of the crimes?” and “If the answer to “B” above is yes, then the number of acts, describe each act, and the place where each act took place.”

LAW

Defendants do not have a “constitutional right to hybrid representation.” *United States v. Obgonna*, 184 F.3d 447, 449 (5th Cir. 1999) (citation omitted). Defendants who are represented by counsel in the district court are not entitled to file pro se motions on their behalf. See, e.g. *United States v. Alvarado*, 321 F.App’x. 399, 400 (5th Cir. 2009).

ANALYSIS

Defendant is represented by counsel. He is therefore not entitled to file pro se motions on his behalf. This Court should deny the pro se “Motion For Discovery” without necessity of addressing the merits.

Nevertheless, the Government tendered to the defense a multitude of evidence during the course of discovery. This evidence included the original police reports from the three offenses; search warrants for Defendant’s phones, redacted TextNow records, and house; Defendant’s signed Advise of Rights Form; and summaries of witness statements. The Government similarly made available to the defense for review unredacted version of the TextNow records as well as the images of child pornography found on Defendant’s cell phones.

Finally, the indictment sufficiently identifies the charges against Defendant and the applicable statutes.

CONCLUSION

In light of the foregoing, the Government respectfully requests that the pro se “Motion for Discovery” be denied as moot.

Respectfully submitted,

DAVID C. JOSEPH
UNITED STATES ATTORNEY

BY: /s/ Jessica D. Cassidy
JESSICA D. CASSIDY (LA Bar #34477)
Assistant United States Attorney
300 Fannin Street, Suite 3201
Shreveport, LA 71101
(318) 676-3600

CERTIFICATE OF SERVICE

I certify that on February 20, 2020, the above “United States’ Response to Motion for Discovery” was filed electronically with the Clerk of Court using the CM/ECF system. A true and correct copy has been served on Christopher Stamper by United States mail at the below address:

Christopher Stamper
#3042432
4801 Hwy 165 By-Pass
Monroe, LA 71210

By: /s Jessica D. Cassidy
JESSICA D. CASSIDY
Assistant United States Attorney